

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASIA

UNITED STATES OF AMERICA,	)	
	)	CASE NO. 8:13CR00108
Plaintiff,	)	
	)	
vs.	)	<b>MOTION FOR <i>Daubert</i> Hearing</b>
	)	<b>AND FOR THE EXCLUSION OF</b>
KIRK COTTOM,	)	<b>EXPERT WITNESS TESTIMONY</b>
	)	
Defendant.	)	

Comes now the Defendant, Kirk J. Cottom, by his court appointed counsel of record, Joseph F. Gross, Jr., and by filing this motion pursuant to *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and *Kumho Tire Co. v. Carmichael*, 523 U.S. 137 (1999), requests that this Court grant a pretrial hearing to determine the admissibility of scientific or technical evidence to be offered by the government on the issue of identification in the form of a network investigation technique (NIT).

In support of this Motion and in accordance with NECrimR 12.3(b), counsel submits a supporting brief.

KIRK COTTOM, Defendant

By: /s/ Joseph F. Gross, Jr.  
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### CERTIFICATE OF SERVICE

I, Joseph F. Gross, Jr., hereby certify that a copy of the foregoing Motion For Hearing was served on the parties on December 1, 2014, via the Court's ECF system:

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